THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.16042 OF 2007

Dated 23-08-2007

Between:

M/s Aban Constructions Private Limited …Petitioner

And

The Deputy Commissioner (CT)
And another …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION NO.16042 OF 2007

O R D E R *(Per the Hon'ble Sri Justice Bilal Nazki):*

Counter is filed and we have heard learned counsel for the parties and with their consent, the writ petition is being disposed of at this stage.

According to the petitioner, he was given a hearing by the Deputy Commissioner (CT) in a revision on 30-03-2007. No orders were passed till 16-06-2007. In between 30-03-2007 and 16-06-2007, the Officer, who was the Deputy Commissioner and who had heard the petitioner, had been transferred and new Officer had joined on 12-06-2007. He passed an order without hearing the petitioner. Case was heard by one Officer and decided by another Officer. Rule of natural justice that one who hears must decide is a well-known rule and we are surprised to see from the counter-affidavit the assertion of the first respondent that on the basis of earlier orders passed by his predecessor, he had decided the matter. Since the Officer had joined on 12-06-2007, the normal course for him was to issue a notice to the petitioner, hear him and decide the matter. Obviously, there has been violation of rules of natural justice and the order passed by the authority concerned cannot sustain.

Therefore, we allow the writ petition and quash the impugned order. The first respondent may pass fresh orders after hearing the petitioner. The petitioner, through his counsel, is directed to appear before the first respondent on ***17-09-2007.*** No order as to costs.

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Bilal Nazki, J

Dated 23rd August, 2007

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S.Ananda Reddy, J

***Note*:** Issue C.C in one week.
(b/o)
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